IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

MFA.No. 615 of 2000(A)

OPMV.1198/1995 of MOTOR ACCIDENT CLAIMS TRIBUNAL, TIRUR
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APPELLANTS/PETITIONERS:

1. AHEMMEDKUTTY HAJI, S/O BEERANKUTTY
KOTTAKODAN POOLAT HOUSE, PULIYAKODE, ERANAD TALUK
MALAPPURAM DISTRICT

2. UMMATHIKUTTY, W/O AHEMMEDKUTTY HAJI,
KOTTAKODAN POOLAT HOUSE, PULIYAKODE, ERANAD TALUK
MALAPPURAM DISTRICT

3. MOHAMMED, S/O AHEMMEDKUTTY HAJI
KOTTAKODAN POOLAT HOUSE, PULIYAKODE, ERANAD TALUK
MALAPPURAM DISTRICT

4. PATHUMMA, D/O AHEMMEDKUTTY HAJI
KOTTAKODAN POOLAT HOUSE, PULIYAKODE, ERANAD TALUK
MALAPPURAM DISTRICT

5. AMINAKUTTY, D/O AHEMMEDKUTTY HAJI
KOTTAKODAN POOLAT HOUSE, PULIYAKODE, ERANAD TALUK
MALAPPURAM DISTRICT

6. ABDUL RAHIM, S/O AHEMMEDKUTTY HAJI
KOTTAKODAN POOLAT HOUSE, PULIYAKODE, ERANAD TALUK
MALAPPURAM DISTRICT

BY ADV. SRI.BABU S. NAIR

RESPONDENTS:

1. P.V.RAJAN, S/O P.K.RAGHAVAN
PAYYAZHI VADAKE VALAPPIL HOUSE,
KOOTANAD-P.O., PALAKKAD DISTRICT

2. P.ACHUTHAN, S/O NANIAMMA
PEZHUMKATTIL HOUSE, MUTHUR-P.O.,
VATTAMKULAM, TRICHUR DISTRICT.

3. P.MOHANDAS, S/O SOMAN
PATHIRIYOD PLAVILA PUTHEN VEEDU
BALARAMAPURAM, TRIVANDRUM DISTRICT.

4. C.GOPAL, S/O CHELLIAH
8/13, BHARATHIYAR WEST STREET, KARAMKULAM P.O.,
SREEVAIKUNDAN TALUK, TAMIL NADU

5. THE UNITED INDIA ASSURANCE CO. LIMITED
BRANCH OFFICE, TRICHUR.

BY ADV. SRI.RAJAN P.KALIYATH
SRI.K.M.SATHYANATHA MENON

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ.

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M.F.A.No.615 OF 2000

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Dated this the 20th day of September, 2007

JUDGMENT

Radhakrishnan, J

This appeal arises out of the award in O.P.(MV)No.1198/95 of the Motor Accidents Claims Tribunal, Tirur. M.F.A.615/2000 is preferred by the appellants/claimants claiming enhanced compensation. Claimants are the legal heirs of deceased who died in an accident took place on 1.8.92. The accident occurred when the deceased was travelling in a bus bearing registration number KL-10/5697. It was driven by first respondent in a negligent manner. Bus hit with a lorry came from the opposite side and due to the injuries the deceased breathed his last. Deceased was aged 18 years at the time of accident. Tribunal awarded Rs.57,500/- as compensation. Petitioners 3 to 6 are the brothers and sisters. They are all aged persons and the sisters were admittedly married long back. Therefore, petitioners 3 to 6 cannot be stated to be the dependents of the deceased who was then only 18 years. Petitioners 1 and 2, the father and mother can be said to be the dependents of the deceased. No document has been produced to show the age of the petitioners 1 and 2. Considering the entire facts and

circumstances of the case, Tribunal awarded Rs.500/- for the total monthly dependency of petitioners 1 and 2. Thus, Tribunal fixed Rs.6,000/- for their annual dependency and Rs.42,000/- for the loss of compensation on account of pecuniary loss adopting a maximum multiplier of 7.

2. Considering the entire facts and circumstances of the case, we are inclined to modify the amount awarded by the Tribunal under the following heads: We modify the total monthly dependency of petitioners 1 and 2 at Rs.10,000/-. Thus, their annual dependency would become Rs.1,10,000/- for the loss of compensation on account of pecuniary loss adopting maximum multiplier of 11. For pain and suffering an additional amount of Rs.5,000/-; for loss of love and affection and for other heads an additional amount of Rs.5,500/-. Thus, claimants are entitled to get an additional compensation of Rs.1,20,500/- at an interest rate of 7.5% from the date of application till payment.

This appeal is disposed of as above.

K.S.RADHAKRISHNAN, JUDGE

A.K.BASHEER, JUDGE

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